



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

First Named Inventor: MASHBURN, LARRY E.

**Art Unit: 1771**

Appln. No.: 10/059,278

**Examiner: C. Juska**

Filed: January 31, 2002

**Confirmation No.: 5374**

For: CARPET BACKINGS PREPARED FROM  
VEGETABLE OIL-BASED POLYURETHANES

\* \* \*

**DECLARATION UNDER 37 CFR 1.131**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We, Larry Mashburn, William Harrison and Thomas Patterson, the undersigned, declare and aver as follows:

1. We are the above-named inventors of the invention described and claimed in the above-captioned application.
2. We conceived and reduced to practice the invention described in the above captioned application prior to October 10, 2001.
3. Larry Mashburn and William Harrison contacted Thomas Kurth, the inventor named in U.S. application serial no. 09/974,301 (the "'301" application), by telephone in 1999 and described to him the invention described in the above-captioned application.
4. Larry Mashburn and William Harrison, during the telephone conversation described in paragraph 3, requested that Thomas Kurth supply us with the raw soy oil required to reduce the inventions described in paragraph 2 to practice.
5. Thomas Kurth complied with the above request by supplying Larry Mashburn and William Harrison with the requested raw soy oil, as evidenced by the documents
6. Thomas Kurth assisted Larry Mashburn, William Harrison and Thomas Patterson in the actual reduction to practice, but not the conception, of the invention described in paragraph 2, prior to the effective date of the Kurth et al. reference October 10, 2001, but none of his efforts on our behalf constituted a contribution, either directly or

indirectly, to the conception of our invention as described in the above-captioned application.

7. The above facts are corroborated by the DECLARATION of Thomas Kurth, attached hereto as exhibit A.

We, Larry Mashburn, William Harrison and Thomas Patterson further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this patent application.

10-9-06  
Date

  
Larry Mashburn

10/9/06  
Date

William Harrison  
William Harrison

10-9-06  
Date

Thomas Patterson  
Thomas Patterson

10-9-06

Deborah Brown

Notary Public, Whitfield County, Georgia  
My Commission Expires Sept. 10, 2009



**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicants : Thomas M. Kurth :  
Serial No. : 09/974,302 : Group Art Unit:  
Filed : October 10, 2001 : Examiner:  
Publ. No. : US 2002/0090488 :  
Publ. Date : July 11, 2002 :  
For : BIO-BASED CARPET MATERIAL :

**DECLARATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

I, Thomas Kurth, of Applegate, Oregon, herein declare that:

I] I am the named inventor in U.S. Patent Application No. 09/974,302 and have carefully reviewed the entire disclosure, contents and claims thereof.

II] I did not conceive nor invent any invention covered by any of the claims of or disclosed in U.S. Patent Application No. 09/974,302, except for claims 20, 21, 96, 97, 115 and 116.

III} On information and belief, the invention or inventions described in U.S. Patent Application No. 09/974,302 were conceived and invented by Larry E. Mashburn, of Rockyface, Georgia; William H. Harrison of Dalton, Georgia and Thomas E. Patterson of Tunnel Hill, Georgia, as evidenced by the disclosure and claims of U.S. Applications Serial

Nos. 10/097,439, filed March 15, 2002 and 10/059,278, filed January 31, 2002. The facts in support of the above declarations are as follows:

A) In 1999, the Messers Mashburn and Harrison, identified above, contacted me by telephone and described to me their and Mr. Patterson's, also identified above, conceptions of the inventions described in the above named Kurth patent application and Mashburn et al patent applications.

B) Mashburn and Harrison, asked me to supply them with the raw soy oil needed in connection with their work on the inventions and I complied with their request.

C) I also assisted Mashburn, Harrison and Patterson in the reduction to practice of their conception of the inventions; however, none of my efforts on their behalf constituted a contribution, either directly or indirectly, to the conception of their inventions.

IV     It had always been my intention to assign U.S. Patent Application No. 09/974,302 upon issuance thereof as a U. S. patent containing all but claims 20, 21, 96, 97, 115 and 116 to Universal Textile Technologies Inc., the assignee of U.S. Applications Serial Nos. 10/097,439 and 10/059,278.

V]     I execute this Declaration voluntarily and of my own free will, having received no inducement, remuneration nor anything of value of any kind to do so.

VI]    Further, Declarant sayeth not.

I, Thomas Kurth, further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the

like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this patent application.

Date 8/4/05

Thomas Kurth  
Thomas Kurth

Date 8/4/05

Notary Deborah Brown

Notary Public, Whitfield County, Georgia  
My Commission Expires Sept. 10, 2005